

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE TRUSTEES OF THE NEW YORK)
STATE NURSES ASSOCIATION)
PENSION PLAN,)
Petitioner,) Case No. 21-cv-8330
v.)
WHITE OAK GLOBAL ADVISORS, LLC,)
Respondent.)

**DECLARATION OF THOMAS K. CAULEY, JR. IN SUPPORT OF PETITION TO
VACATE, IN PART, AN ARBITRATION AWARD AND IN OPPOSITION TO
PETITIONER'S PETITION TO CONFIRM ARBITRATION AWARD**

I, THOMAS K. CAULEY, JR., declare as follows:

1. I am a partner in the law firm of Sidley Austin LLP (“Sidley”). Sidley represents Respondent White Oak Global Advisors, LLC (“White Oak”) in the above-captioned case.
2. I submit this Declaration in support of White Oak’s Petition to Vacate, In Part, An Arbitration Award and in Opposition to Petitioner’s Petition to Confirm Arbitration Award. I have personal knowledge of the facts set forth below.
3. Attached hereto as Exhibit A is a true and correct copy of the Final Award on Merits/Damages/Attorneys’ Fees and Costs issued by the Arbitrator on August 4, 2021.
4. Attached hereto as Exhibit B is a true and correct copy of the Partial Final Award issued by the Arbitrator on November 30, 2020.
5. Attached hereto as Exhibit C is a true and correct copy of the Amended Demand for Arbitration by the Trustees of the New York State Nurses Association Pension Plan (the “Plan”).

6. Attached hereto as Exhibit D is a true and correct copy of the January 1, 2016 Investment Management Agreement (“IMA”), marked as arbitration exhibit J-2.

7. Attached hereto as Exhibit E are true and correct copies of excerpts of transcripts of testimony from the December 16-20, 2019 arbitration hearing.

8. Attached hereto as Exhibit F is a true and correct copy of the Plan’s February 9, 2021 letter to the Arbitrator.

9. Attached hereto as Exhibit G are true and correct copies of excerpts of testimony from the June 17, 2021 arbitration hearing.

10. Attached hereto as Exhibit H is a true and correct copy of the Plan’s May 19, 2021 letter to the Arbitrator.

11. Attached hereto as Exhibit I is a true and correct copy of the Declaration of John Ciancanelli, White Oak’s expert at the June 17, 2021 arbitration hearing.

12. Attached hereto as Exhibit J is a true and correct copy of excerpts of the March 15, 2012 Limited Partnership Agreement (“LPA”) of the White Oak Pinnacle Fund, L.P., marked as arbitration exhibit J-3.

13. Attached hereto as Exhibit K is a true and correct copy of excerpts of the March 1, 2016 Second Amended LPA of the White Oak Summit Fund, L.P., marked as arbitration exhibit J-5.

14. Attached hereto as Exhibit L are true and correct copies of White Oak’s letters to the Arbitrator dated January 28, 2021; February 18, 2021; March 22, 2021; May 19, 2021; and July 1, 2021.

15. Attached hereto as Exhibit M is a true and correct copy of a September 5, 2018 email, marked as arbitration exhibit WO 109.

16. Attached hereto as Exhibit N is a true and correct copy of the Declaration of Keith Palzer, White Oak's expert at the June 17, 2021 arbitration hearing.

17. Attached hereto as Exhibit O is a true and correct copy of excerpts of the December 31, 2013 LPA of White Oak Pinnacle Feeder I, L.P., marked as arbitration exhibit J-4.

18. Attached hereto as Exhibit P is a true and correct copy of a December 18, 2017 email, marked as arbitration exhibit WO 91.

19. Attached hereto as Exhibit Q is a true and correct copy of a December 27, 2017 email, marked as arbitration exhibit WO 93.

20. Attached hereto as Exhibit R is a true and correct copy of the May 19, 2021 Response Affidavit of John P. Simon.

21. Attached hereto as Exhibit S is a true and correct copy of an October 30, 2018 email, marked as arbitration exhibit WO 110.

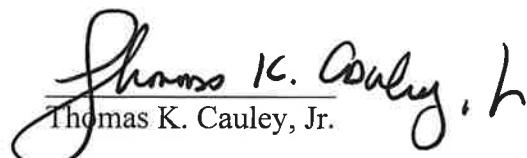
22. Attached hereto as Exhibit T is a true and correct copy of the Declaration of C. William Phillips, the Plan's counsel, filed in the arbitration proceeding.

23. Attached hereto as Exhibit U are true and correct copies of excerpts of invoices that the Plan submitted in the arbitration proceeding.

24. Attached hereto as Exhibit V is a true and correct copy of Exhibit 3 to the Plan's attorneys' fees reply.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Chicago, Illinois, on October 20, 2021.


Thomas K. Cauley, Jr.